

Appln No. 10/779,467
Amdt date July 23, 2007
Reply to Office action of March 21, 2007

REMARKS/ARGUMENTS

Claims 1-29 are pending in the present application, of which claims 4, 6, 8, 9, 13 and 28 have been withdrawn from consideration.

Claims 1, 24, 25 and 29 have been objected to for certain informalities. Applicants have amended these claims to replace the words "constituting" and "constitutes" with "comprising" and "comprises", respectively. Applicants respectfully request withdrawal of this objection.

Claim 27 has been objected to for being in improper dependent form. Applicants have amended claim 27 to place this claim in proper dependent form. Applicants respectfully request withdrawal of this objection.

Claims 1-3, 5, 10-12, 14, 16-24, 26 and 27 have been rejected under 35 U.S.C. 102(e) over Billen (U.S. 6,412,357). Applicants respectfully traverse this rejection.

Claim 1 recites, in part, an at least partially hollow cylindrical drive element pivotably connected to the seat element, the drive element comprising a component of a displacement arrangement for an adjustable part of the motor vehicle seat. In contrast, Billen does not teach or suggest this limitation of claim 1.

In rejecting the claims over Billen, the Examiner states on page 3 of the Office action that "Billen shows a seat assembly having a seat element 210,212 (see Fig. 4) constituting a component of a seat structure, an at least partially hollow cylindrical drive element 220,236 pivotably connected to the seat element constituting a component of a displacement arrangement for an adjustable part of the seat."

Referring to FIG. 4 of Billen, the cap 236 is connected to the journal bearing 220, which is securely connected to the lower frame 212. *See col. 5, lines 65-67.* Furthermore, the lower frame 212 is secured to the floor of the vehicle. *See col. 4, lines 5-6.* Accordingly, the journal

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bearing 220 is not pivotably connected to any part of the seat, but secured to the vehicle floor through a secure connection with the lower frame 212. Therefore, Billen does not teach or suggest an at least partially hollow cylindrical drive element pivotably connected to the seat element, as recited in claim 1.

Furthermore, the cap 236 and the bearing journal 220 form part of the mounting element 216 for mounting the upper frame 210 to the lower frame 212. The cap 236 and the bearing journal 220 are not drive elements and do not comprise a component of a displacement arrangement for an adjustable part of the motor vehicle seat. Therefore, Billen does not teach or suggest an at least partially hollow cylindrical drive element comprising a component of a displacement arrangement for an adjustable part of the motor vehicle seat, as recited in claim 1.

For the foregoing reasons, Applicants believe that claim 1 and dependent claims 2, 3, 5, 10-12, 14, 16-24, 26 and 27 are patentable over Billen.

Claims 1-3, 5, 10-12, 14-24 and 27 have been rejected under 35 U.S.C. 102(e) over Dukart (U.S. 6,813,966).

Applicants have submitted herewith an English translation of German Patent Document DE10306541, from which the present application claims priority. Applicants have also submitted herewith a statement certifying that the English translation is accurate. Applicants respectfully request that the English translation of DE10306541 be made of record in the present application.

Because the present application claims priority from DE10306541 and Applicants have now submitted an English translation of DE10306541, Applicants can rely on the filing date of DE10306541 to overcome the rejection over Dukart.

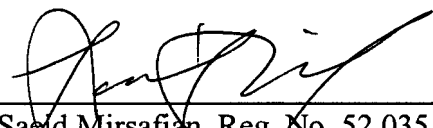
Dukart was filed in the United States on May 15, 2003. DE10306541 was filed on February 13, 2003, which is prior to the U.S. filing date of Dukart. Accordingly, Dukart can not be considered prior art in the present application under 35 U.S.C. 102(e). Therefore, by relying on the filing date of DE10306541, the rejection over Dukart is overcome.

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Claim 7 has been rejected under 35 U.S.C. 103(a) over Billen. Because claim 1 is patentable over Billen, Applicants believe that claim 7 is also patentable over Billen.

Applicants respectfully request a Notice of Allowance to be issued in the present application.

Respectfully submitted,
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Enclosure: English Translation of German Patent Document DE10306541
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